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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/441,057	11/16/1999	OLIVIER HERSENT	10597-0001-2	3808

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EXAMINER

CHOW, MING

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 11/17/2004

23

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/441,057

Applicant(s)

HERSENT, OLIVIER

Examiner

Ming Chow

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 6-16 is/are rejected.
- 7) ☒ Claim(s) 2-5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Reopening of Prosecution After Appeal

1. In view of the appeal brief filed on 7-8-04, PROSECUTION IS HEREBY REOPENED.

New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Priority

2. Should applicant desire to obtain the benefit of foreign priority, a translation of the foreign application should be submitted under 37 CFR 1.55 in reply to this action.

Allowable Subject Matter

3. Claims 2-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art does not teach a command interpreter subsystem in a distributed multimedia data system. The command interpreter subsystem generates messages on detection of new calls to each customer server, generates event messages, and uses the commands from the customer servers.

Drawings

4. The drawings are objected to because proper legends were missing. A proposed drawing correction or corrected drawings are required in reply to the Office Action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 1, 12 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The phrase “man-machine interface resources” (line 6-7) is not disclosed by the specification. The specification amendment, on page 2 of paper No. 13, shows voice data stream components input on the user station computer to the host server. The specification did not support means of man-machine interface resources.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 6, 7, 10, 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Hiroshima et al (US: 5727048).

Regarding claims 1 and 12, Hiroshima et al teach on Fig. 7, a network.

Hiroshima et al teach on items 37 and 38 Fig. 7 a plurality of service suppliers with host computers (claimed “customer server”).

Hiroshima et al teach on item 39 of Fig. 7, a multimedia communication center (claimed “shared resources host server”). Hiroshima et al teach on Fig. 7, connection interfaces between items 33-39, column 8 line 16-17, the user issues an information service request to the center, column 8 line 22-25, the center sends new merchandise information list of the providing service to the user terminal. There must be a man-machine interface provided by the multimedia communication center 39 (the shared resource host server) to receive user’s request and send information to the user terminal. Hiroshima et al teach on column 8 line 55-59, the multimedia communication center 39 searches through the database to retrieve the telephone number of the multimedia server of relevant provider (reads on claimed “determine the service supplier”). Hiroshima et al teach on column 9 line 5-8, the multimedia communication center 39 transfers the information request number (a request number corresponding to a new merchandise) to the

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multimedia server of a relevant information provider (reads on claimed “direct service request to customer server”). Hiroshima et al teach on column 8 line 60 to column 9 line 13, the multimedia server of center 39 establishes a data path between the center 39 and the relevant information provider. The multimedia center 39 also controls and sets up another data path between the user terminal and the relevant information provider. Without having the multimedia communication center 39 (claimed “man-machine resource”) the two data path cannot be established and the requested information (i.e., the multimedia information request number disclosed in column 9 line 7 is sent from the terminal 1 to a proper information provider 37 or 38, and the detailed information in column 9 line 35 from the information provider to terminal 1) cannot be exchanged between the user terminal and the relevant information provider. Therefore, the information requested by the user is exchanged by the “multimedia communication center” 39 of Hiroshima.

Regarding claim 6, Hiroshima et al teach column 6 line 22-37 the shared resources server (item 39 Fig. 5) sends two phone numbers and an information request number (reads on claimed “events signaled by the shared resources server”) to the terminal.

Regarding claim 7, Hiroshima et al teach on column 4 line 34 the multimedia server (service supplier) runs on a host computer. Hiroshima et al also teach on item 39 Fig. 7 a network interface connecting telephone exchange (reads on “a company private network”) and another interface connecting the shared resources (item 2 Fig. 7).

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Regarding claim 10, Hiroshima et al teach on item 13 Fig. 3 voice resources.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 1, 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Lund et al (US: 6760758).

Lund et al teach on column 5 line 66 to column 6 line 32, accessing multimedia information from distributed information sites (32, 34, 36, 38 of Fig. 1).

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Lund et al teach on column 2 line 62-63, access to a network from a plurality of user devices.

Lund et al teach on items 30 Fig. 1 and column 4 line 12-14, various information sites (reads on claimed “service supplier”) with a group of servers (claimed “customer server”).

Lund et al teach on item 12 Fig. 1 and column 4 line 5-58, network access system (claimed “shared resources host server”) comprises a gateway (claimed “means for communicating through the network with user stations”). Lund et al further teach on column 7 line 16-28, the gateway provides the user with menus for selecting information. Therefore, the network access system is a man-machine interface resources.

Lund et al teach on column 7 line 16-28, the user selects a web site or other source of information (claimed “receive service request from users”). The system of Lund must determine the IP address of the server (by referencing a DNS) where the supplier provides the desired information because either the system must translate the URL into an IP address or determine the user-provide IP address for accessing the server.

Lund et al teach on column 7 line 16-28, the gateway turns the request into an appropriate query and requests information from the appropriate server (claimed “direct received request to at least one customer server”). When the information is returned to the network access system an appropriate subset of information is presented to the user. Therefore, the exchanged information is presented to the user through the shared man-machine interface.

8. Claims 1, 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Farris et al (US: 6167253).

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Farris et al teach on column 4 line 33-41, column 19 line 20 to column 20 line 67, a voice, data , and video (claimed “multimedia data system”).

Farris et al teach on column 5 line 31-40, item 18 Fig. 1, at least one information service providers (claimed “plurality of service suppliers”) and each one has one customer server (programming server, item 20 Fig. 1).

Farris et al teach on item 12 Fig. 1, application provider (claimed “shared resources host server”) connected to plurality of user stations (column 7 line 3, mobile terminals [plural]). Farris et al teach on item 14 Fig. 1, column 13 line 21-42, a speech recognition unit (claimed “man-machine interface resources”; see also pages 2 and 17 of paper No. 8 – Applicant’s amendments to the specifications regarding voice recognition described by Fig. 2) for recognizing user’s audio command (claimed “service request”).

Farris et al teach on column 13 line 36-38, the gateway of the application provider (claimed “shared resources host server”) determines (by coordinates and supervises audio data requests) the programming provider and direct the service request to the customer server.

Farris et al teach on column 13 line 43-47 and Fig. 1, the application server (reads on claimed “customer server”) transmits (reads on claimed “execution of a service logic”) the requested audio data to the mobile terminal via the application provider (claimed “man-machine interface” which includes the speech recognition unit that is the claimed “man-machine interface resources”).

9. Claim12 is rejected under 35 U.S.C. 102(e) as being anticipated by Reformato et al (US: 2001/0036255).

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Reformato et al teach on items 228, 230, customer server. Each customer server is connected to the network (telephone network of Fig. 2).

Reformato et al teach on item 232, control IP (claimed “shared resources host server”) connected to a plurality of users (items 212, 214 of Fig. 2) via the network. Reformato et al teach on section [0026], the control IP includes speech recognition functionality (claimed “man-machine interface resources”) and receives commands from the subscribers (claimed “receive service requests from users”).

Reformato et al teach on section [0050], the control IP controls the routings of incoming calls to different voice mail IPs (claimed “determine the service supplier and direct each request to one customer server”).

Reformato et al teach on section [0086], each speech recognition circuit detects keywords or trigger phrases (claimed “execution of respective service logic”).

Reformato et al teach on section [0108], the control IP establishes the connection between the subscriber and voicemail IP for retrieving voice messages (claimed “exchange information by means of man-machine interface”).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 1 rejected under 35 U.S.C. 103(a) as being unpatentable over Reformato et al (US: 2001/0036255), and in view of Dugan et al (US: 6330079).

All rejections as stated in claim 12 above apply.

Reformato et al failed to teach the multimedia data system. However, Dugan et al teach on column 2 line 36-38 and column 8 line 63-65, a message platform with multimedia messages and speech recognition functions.

It would have been obvious to one skilled at the time the invention was made to modify Reformato et al to have the multimedia system as taught by Dugan et al such that the modified system of Reformato et al would be able to support the system users access of different formats of messages.

11. Claim 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Hiroshima et al as applied to claim 1 above, and in view of Low et al (US: 6243443).

Regarding claim 9, Hiroshima et al failed to teach “the network is an IP network”. However, Low et al teach a method of making available content resources (reads on claimed “shared resources”) to telephone network users. Low et al teach on Abstract – the content resources are held on internet.

It would have been obvious to one skilled at the time the invention was made to modify Hiroshima et al to have the “the network is an IP network” as taught by Low et al such that the

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modified system of Hiroshima et al would be able to support the popular and reliable IP network to the system users for a better data access.

12. Claims 11, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiroshima et al as applied to claim 1 above, and further in view of Sassin (US: 6449260). Hiroshima et al failed to teach “the shared resources within the host server include video resources”. However, Sassin et al teach on column 3 line 18-20, a video server provides video data to multimedia telephone calls. It would have been obvious to one skilled at the time the invention was made to modify Hiroshima et al to have the “the shared resources within the host server include video resources” as taught by Sassin et al such that the modified system of Hiroshima et al would be able to support the video resources subsystem to the system users.

13. Claims 8, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiroshima et al as applied to claim 1 above, and in view of Nordwall et al (US: 6097943).

Hiroshima et al failed to teach “the shared resources within the host server include a voice recognition means operating on input data representing voice parameters calculated in a user’s station”. However, Nordwall teaches on column 2 line 19-22, calculating the voice parameters at the user station.

It would have been obvious to one skilled at the time the invention was made to modify Hiroshima et al to have the “the shared resources within the host server include a voice recognition means operating on input data representing voice parameters calculated in a user’s station” as taught by Nordwall such that the modified system of Hiroshima et al would be able to

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support the system users a reliable method of voice recognition by calculating the voice parameters at the user station.

14. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hiroshima et al as applied to claim 12 above, and in view of Shank et al (US: 6445776). Hiroshima et al failed to teach “the man-machine interface resources include voice recognition and voice synthesis resources”. However, Shank et al teach on item 220 Fig. 2 a media service (claimed “resources server”) includes voice recognition and voice synthesis resources (text-to-speech). It would have been obvious to one skilled at the time the invention was made to modify Hiroshima et al to have the “the man-machine interface resources include voice recognition and voice synthesis resources” as taught by Shank et al such that the modified system of Hiroshima et al would be able to support the voice recognition and voice synthesis to the system users.

15. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hiroshima et al as applied to claim 12 above, and in view of Wyatt et al (US: 6041411).

Hiroshima et al failed to teach “the means for communicating with the customer servers are arranged to provide ciphered communications”. However, Wyatt et al teach on column 2 line 3-5, column 9 line 3-5, a multimedia distributed information system receives encrypted request messages at the server.

It would have been obvious to one skilled at the time the invention was made to modify Hiroshima et al to have the “the means for communicating with the customer servers are arranged to provide ciphered communications” as taught by Wyatt et al such that the modified

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system of Hiroshima et al would be able to support the system users with a secured method of transmitting requests to the server.

Conclusion

16. The prior art made of record and not replied upon is considered pertinent to applicant's disclosure.

- Grady et al (US: 5802283) teach method and system for accessing multimedia data over public switched telephone network.

17. Any inquiry concerning this communication or earlier communication from the examiner should be directed to the examiner Ming Chow whose telephone number is (703) 305-4817. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (703) 306-0377. Any inquiry of a general nature or relating to the status of this application or proceeding should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

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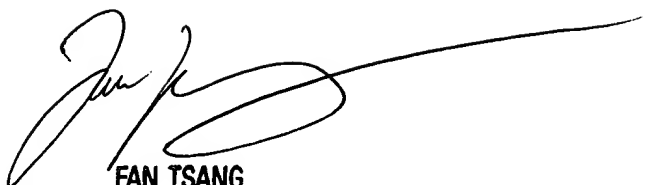
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Or faxed to Central FAX Number 703-872-9306.

Patent Examiner

Art Unit 2645

Ming Chow



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